

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ACCIDENT INSURANCE COMPANY, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-01190-SEB-TAB
)	
SMITH'S BELL AND CLOCK SERVICE INC.,)	
HAMILTON COUNTY PARKS AND)	
RECREATION)	
)	
Defendants.)	

AGREED JUDGMENT BETWEEN AIC AND HAMILTON COUNTY

Comes now Plaintiff, Accident Insurance Company, Inc. (“**AIC**”), by counsel, and Defendant, Hamilton County Parks and Recreation (“**Hamilton County**”), by counsel, and enter into an Agreed Judgment (“**Judgment**”) between them. The agreement, as reflected by this Judgment, is as follows:

- (1) AIC provided an insurance policy (the “**Policy**”) to Smith’s Bell and Clock Service, Inc. (“**Smith**”).
- (2) Smith performed maintenance and repair services of two clock and bell towers (“**Towers**”), which are located at Coxhall Gardens in Carmel, Indiana, and which are owned by Hamilton County.
- (3) Hamilton County alleges that Smith’s work was deficient and caused damage to the Towers. As a result, Hamilton County filed a lawsuit in the Hamilton County Superior Court 3, Cause No. 29D03-1911-CC-010507 (the “**Lawsuit**”) against Smith seeking to recover property damages.

(4) AIC filed the present declaratory judgment action, which included Hamilton County as a Defendant, to assert and protect its interest, if any, as to recovery of any damages assessed against Smith from the Policy (collectively, the “**DJ Complaint**”) (Dkt. No. 1).

(5) Hamilton County takes no position as to the requested relief sought by AIC in its DJ Complaint. Hamilton County does not intend to file an answer, asserting a position either way, to the DJ Complaint.

(6) Accordingly, Hamilton County consents to a Judgment in AIC’s favor on its DJ Complaint should the Court decide that AIC owes neither a defense nor indemnity to Smith for Hamilton County’s Lawsuit and request for damages against Smith.

(7) Each party to bear its own costs.

Approved:

/s/ Christopher J. Neeson

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*Counsel for Plaintiff, Accident Insurance
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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2020, a copy of the foregoing was filed and served on all parties via the Court's ECF system, which will send notification to all counsel of record.

By: /s/ Richard K. Shoultz

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